

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

January 8, 2010

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF:09KD-155

KAUAI

Amend Governor's Executive Order No. 2433, Wailua, Kauai, Tax Map Key: (4)
4-2-:1:portion of Kuamoo Road.

BACKGROUND:

Former Governor John A. Burns on April 1, 1969 signed Executive Order No. 2433, withdrawing 81,423 square feet or 1.869 acres from the operation of Governor's Executive Order No. 1967 dated September 5, 1961. The subject lands were needed for Department of Transportations Project Nos. G-3329-01-63 and BD-67-359 (Phases I & II, Wailua Falls Loop Road).

A few months later, former Governor John A. Burns on May 22, 1969 signed Executive Order No. 2449, setting aside to the Department of Transportation for highway purposes 8.505 acres. This area includes the 1.869 acres mentioned above and 6.636 acres withdrawn from former General Lease No. 3520.

REMARKS:

Recently, Department of Accounting and General Services, Survey Division review of Governor's Executive Order No. 1967 has uncovered past errors. Governor's Executive Order No. 1967 to the Board of Regents of the University of Hawaii for the Kauai Agricultural Experiment Station excluded the North Wailua Ditch (tunnel), Lateral Ditch No. 1, Kuamoo Road, and Ditchman's House and Lot.

Governor's Executive Order No. 2433 (withdrawal) covered a small portion of Kuamoo Road, approximately .263 acres and a small portion of Lateral Ditch No. 1, approximately 0.03 acres, that was never under the UH's management and control. Exhibit A.

Therefore, this submittal is requesting Governor's Executive Order No. 2433 land area be corrected from 1.869 acres to 1.576 acres.

Staff did not solicit comments from other governmental agencies as today's request is for housekeeping only.

RECOMMENDATION: That the Board:

1. Approve of and recommend to the Governor issuance of an executive order amending Governor's Executive Order No. 2433 and subject to the following:
 - A. Revising the area of the set aside from 1.869 acres to 1.576 acres under Governor's Executive Order No. 2433;
 - B. Disapproval by the Legislature by two-thirds vote of either the House of Representatives or the Senate or by a majority vote by both in any regular or special session next following the date of the setting aside;
 - C. Review and approval by the Department of the Attorney General; and
 - D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Charlene E. Unoki
Assistant Administrator

APPROVED FOR SUBMITTAL:



Laura H. Thiefen, Chairperson 

